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HOUSING & URBAN DEVELOPMENT DEPARTMENT

NOTIFICATION

The 26th February 2008

S.R.O.No.118/2008—The following draft of certain rules further to amend the Orissa Municipal Corporation (Division of City into Wards, Reservation of Seats and Conduct of Election) Rules, 2003, which the State Government propose to make in exercise of the powers conferred by section 16 and 79 of the Orissa Municipal Corporation Act, 2003 (Orissa Act-II of 2003) is hereby published as required by sub-section(1) of section 656 of the said Act for information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the State Government on or after the expiry of a period of thirty days from the date of publication of this notification in the *Orissa Gazette*.

Any objection or suggestion which may be received from any person in respect of the said draft before expiry of the period so specified above will be considered by the State Government.

DRAFT

1. (1) These rules may be called the Orissa Municipal Corporation (Division of City into Wards, Reservation of Seats and Conduct of Election) Amendment Rules, 2008.
- (2) They shall come into force on the date of their publication in the *Orissa Gazette*.

2. In the Orissa Municipal Corporation (Division of City into Wards, Reservation of Seats and Conduct of Election) Rules, 2003 (hereinafter referred to as the said rules) in rule 12, after the words “Election Officer” appearing in the last sentence the words “subject to appeal” shall be inserted.

3. In the said rules, after rule 12, the following rules shall be inserted namely:—
 “12.A Appeal: Any person aggrieved by the orders passed by the Election Officer under Rule 12 shall prefer an appeal before the District Magistrate within five days from the date of completion of all works by the Election Officer under rule 12 and 14. The District Magistrate shall within seven days from the last date of receipt of the appeal, shall dispose of the appeal by conducting a summary enquiry either by himself or by an officer authorized by him not below the rank of Additional District Magistrate. The orders passed by the District Magistrate or the officer authorized by him as Appellate Authority shall be final and shall not liable to be questioned in any legal proceeding.”

4. In the said rules, in rule 16, in sub-rule(1), the word and figures “and 12(A)” shall be added after the word and figures “rule 12”.

5. In the said rules, in rule 22, for sub-rule(1) excluding item(a) to (d), the following sub-rule shall be substituted, namely: —
 “(1) As soon as notification by the State Government under section 64 is published, the Election Commission shall, by notification in the official gazette, appoint.”

6. In the said rules, in rule 29, for sub rule (1), the following sub-rule shall be substituted, namely: —
 “29 (1)(a) On completion of scrutiny of nomination the Election Officer shall prepare a list of validly nominated candidates in Form No.XIV for each ward, arrange them in alphabetical order in Oriya and publish it on the notice board of his office.
 (b) After expiry of the period within which candidature may be withdrawn under sub-rule (1) of rule 30, the Election Officer shall in Oriya prepare a final list of contesting candidates for each ward in Form XIVA of persons whose nominations have not been rejected and who have not withdrawn their candidature and publish it on the notice board of his office not later than two days after the expiry of the period within which candidature may be withdrawn and at least four days before the date fixed for the polling”.

7. In the said rules, rule 32 shall be omitted.

8. In the said rules, after the Form XIV, the following Form shall be inserted namely: —

“FORM NO - XIVA

[See rule 29(1)(b)]

Final list of contesting candidates.

.....Municipal Corporation

Ward No.....

Reservation Status.....

Sl. No.	Name of candidate	Communities to which candidates belong	Address of the candidate	Symbol as assigned to candidates	Whether eligible for reserved seat.
(1)	(2)	(3)	(4)	(5)	(6)

Note - The poll will be taken on theday of 200.....
between..... and..... at the Polling Station
already notified.

Election Officer.”

9. In the said rules, in Form XIV, in right top corner below the words “Ward No” appearing in first line, the words “Reservation Status” shall be added.

10. In the said rules, in Form No. XXIV for part-II, the following part shall be substituted, namely: —

“PART-II

Result of counting

[See Rule – 70(2) (a) & (b)]

Sl. No.	Name of the Candidate	No. of votes recorded		
		No. of votes as per EVM	No. of votes as per EDC	Total No. of votes [Col.(3) + (4)]
(1)	(2)	(3)	(4)	(5)
1				
2				
3				
4				
5				
6				
7				
8				
Grand Total				

Whether the total Nos. of votes shown above tallies with the total No. of votes shown against item 3 of Part I or any discrepancy noticed between the two totals.

Place:

Signature of Counting Supervisor

- 1.
- 2.
- 3.
- 4.
- 5.
- 5.
- 6.
- 7.
- 8.

Place:

Date:

Signature of Returning Officer.”

[No. 6823- Legis-III-OMC-1/2007/ HUD.]

By order of the Governor

R.R. MALLICK

Director, Municipal Administration &
Ex Officio Additional Secretary to Government